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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Note verbale dated 15 December 2000 from the Permanent Mission of Iraq to the United Nations Office at Geneva addressed to the United Nations High Commissioner for Human Rights

The Permanent Mission of the Republic of Iraq to the United Nations Office in Geneva presents its compliments to the United Nations High Commissioner for Human Rights and has the honour to enclose herewith the document entitled "Continuation of the embargo is a violation of international law".*

The Permanent Mission of the Republic of Iraq would be grateful if the High Commissioner for Human Rights could arrange to have this document adopted and distributed as an official document of the upcoming fifty-seventh session of the Commission on Human Rights, under its agenda item on the question of the violation of human rights and fundamental freedoms in any part of the world.

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* Reproduced as received, in English only.

Annex

CONTINUATION OF THE EMBARGO IS A VIOLATION OF INTERNATIONAL LAW

- On 2 August 1990, resolution 661 (1990) was adopted to impose in an unprecedented fashion the most comprehensive regime of mandatory sanctions against Iraq.

- Shortly thereafter, the Security Council instituted a "maritime embargo" to strengthen the effectiveness of the sanctions regime, when it adopted on 25 August 1990 resolution 665(1990). A month 25 September .

- It is to be noted that before any sanctions resolution had been adopted, the United States took on 2 August 1990 immediate punitive economic measures against Iraq, by freezing Iraqi assets.

- For over nine years, the Security Council has maintained the most comprehensive embargo against Iraq without once referring to its legal obligation to act in accordance with human rights and humanitarian and the deaths of hundreds of thousands of children, women and the elderly, and the catastrophic consequences felt by the population.

- Under both the Carter and international law, the Security Council's enforcement powers are limited by human rights and humanitarian standards. Article 24 of the Charter directs the Council " to act in accordance with the Purposes and Principles of the United Nations" in the use of its authority to maintain peace and security. Among the most fundamental Purposes and Principles listed in Article (1) is the promotion of human rights. Indeed, the Preamble to the Charter begins by stating its determination " to reaffirm faith in fundamental human rights and in the dignity and worth of the human person " .

- From the Universal Declaration of Human Rights of 1948, to the Convention on the Rights of the Child of 1990, each declaration, treaty or covenant represents an elaboration upon the UN Charter's original vision of human rights, making the treaty principles binding on the Security Council through Article (24). The Security Council is under a duty to recognize, consider, and account for the impact of its activities on human rights.

- The Security Council has failed to live up its duties in the case of sanctions on Iraq. The sanctions regime, which is supposedly based genocide conducted by bureaucratic organs in various countries and the UN Sanctions Committee .

- The Security Council flagrantly violated its functions and powers. Notwithstanding frequent statements of concern regarding the humanitarian situation in Iraq, the Council has failed to acknowledge its own legal responsibility to protect the rights of Iraqi civilians suffering under sanctions by failing to reduce or lift sanctions commensurate with the record of implementation by Iraq.

- The tragic loss of life in Iraq due to the embargo constitutes a massive violation of this most fundamental human right. The embargo adequate standard of living, guaranteed by the Universal Declaration of Human Rights, the International Covenant on Economic, Social, and Cultural Rights, and the Convention on the Rights of the Child.

  This last Convention specifically recognizes that " every child has the inherent right to life " and calls on all states " to ensure to the maximum extent possible the survival and development of the child" and "to take appropriate measures to diminish infant and child mortality".

- The inhuman destruction inflicted upon Iraq and the Iraqi people by the comprehensive embargo, the war and the continuation of the embargo despite the official cease-fire and the implementation by Iraq of the obligations imposed upon it, constitute " genocide".

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